

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 08cv1220 IEG(RBB)
)	
Plaintiff,)	CASE MANAGEMENT CONFERENCE
)	ORDER REGULATING DISCOVERY AND
v.)	OTHER PRETRIAL PROCEEDINGS
)	
ONE 2006 MERCEDES BENZ CLS 55)	(Rule 16, Fed.R.Civ.P.)
CA LICENSE NO. 6CQU031, VIN)	(Local Rule 16.1)
WDDDJ76X86A031811, ITS TOOLS)	
AND APPURTENANCES; ONE 2003)	
LAND ROVER RANGE ROVER CA)	
LICENSE NO. 6AMN568, VIN)	
SALMB11403A109536, ITS TOOLS)	
AND APPURTENANCES; \$10,826.00)	
IN U.S. CURRENCY,)	
)	
Defendants.)	
_____)	

Pursuant to rule 16 of the Federal Rules of Civil Procedure, a case management conference was held on August 22, 2008. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. All discovery shall be completed by all parties on or before February 23, 2009. All motions for discovery shall be filed no later than thirty (30) days following the date upon which the

1 event giving rise to the discovery dispute occurred. For oral
2 discovery, the event giving rise to the discovery dispute is the
3 completion of the transcript of the affected portion of the
4 deposition. For written discovery, the event giving rise to the
5 discovery dispute is the service of the response. All
6 interrogatories and document production requests must be served by
7 December 29, 2008.

8 2. Plaintiff(s) shall serve on all other parties a list of
9 expert witnesses whom Plaintiff(s) expect(s) to call at trial by
10 December 29, 2008. Defendant(s) shall serve on Plaintiff(s) a
11 list of expert witnesses Defendant(s) expect(s) to call at trial by
12 January 26, 2009. Each party may supplement its designation in
13 response to the other party's designation no later than February 9,
14 2009. The parties must identify any person who may be used to
15 present evidence pursuant to Rules 702, 703 or 705 of the Federal
16 Rules of Evidence. This requirement is not limited to retained
17 experts. The designation(s) shall comply with rule 26(a)(2) of the
18 Federal Rules of Civil Procedure and be accompanied by a written
19 report prepared and signed by each witness, including in-house or
20 other witnesses providing expert testimony. The failure to fully
21 comply with these requirements may result in the exclusion of
22 expert testimony. A written report is not required from a witness
23 giving testimony as a percipient expert.

24 3. Any motion to join other parties, to amend the pleadings
25 or to file additional pleadings shall be filed and heard on or
26 before December 1, 2008.

27 4. All other pretrial motions must be filed on or before
28 March 23, 2009. Please be advised that counsel for the moving

1 party must obtain a motion hearing date from the law clerk of the
2 judge who will hear the motion. Be further advised that the period
3 of time between the date you request a motion date and the hearing
4 date may vary from one district judge to another. Please plan
5 accordingly. For example, you should contact the judge's law clerk
6 in advance of the motion cutoff to calendar the motion. Failure to
7 timely request a motion date may result in the motion not being
8 heard.

9 Questions regarding this case should be directed to the
10 judge's law clerk. The Court draws the parties' attention to Local
11 Rule 7.1(e)(4) which requires that the parties allot additional
12 time for service of motion papers by mail. Papers not complying
13 with this rule shall not be accepted for filing.

14 Briefs or memoranda in support of or in opposition to any
15 pending motion shall not exceed twenty-five (25) pages in length
16 without leave of the judge who will hear the motion. No reply
17 memorandum shall exceed ten (10) pages without leave of the judge
18 who will hear the motion.

19 5. Further settlement conferences shall be held at
20 appropriate intervals during the course of the litigation in the
21 chambers of Judge Ruben B. Brooks. A further telephonic,
22 attorneys-only settlement conference shall be held on November 19,
23 2008, at 8:00 a.m. A mandatory settlement conference date will be
24 set at one of the scheduled settlement conferences.

25 All parties, claims adjusters for insured Defendants and non-
26 lawyer representatives with complete authority to enter into a
27 binding settlement, as well as the principal attorneys responsible
28 for the litigation, must be present and legally and factually

1 prepared to discuss and resolve the case at the mandatory
2 settlement conference and at all settlement conferences. Retained
3 outside corporate counsel shall not appear on behalf of a
4 corporation as the party representative who has the authority to
5 negotiate and enter into a settlement. Failure to attend or obtain
6 proper excuse will be considered grounds for sanctions.

7 If Plaintiff is incarcerated in a penal institution or other
8 facility, the Plaintiff's presence is not required at conferences
9 before Judge Brooks, and the Plaintiff may participate by
10 telephone. In that case, defense counsel is to coordinate the
11 Plaintiff's appearance by telephone.

12 **Confidential written settlement statements for the mandatory**
13 **settlement conference shall be lodged directly in the chambers of**
14 **Judge Brooks no later than (five court days before the mandatory**
15 **settlement conference).** The statements need not be filed with the
16 Clerk of the Court or served on opposing counsel. The statements
17 will not become part of the court file and will be returned at the
18 end of the conference upon request. Written statements may be
19 lodged with Judge Brooks either by mail or in person.

20 Any statement submitted should avoid arguing the case.
21 Instead, the statement should include a neutral factual statement
22 of the case, identify controlling legal issues, and concisely set
23 out issues of liability and damages, including any settlement
24 demands and offers to date and address special and general damages
25 where applicable.

26 If appropriate, the Court will consider the use of other
27 alternative dispute resolution techniques.
28

1 6. Counsel shall serve on each other and file with the Clerk
2 of the Court their memoranda of contentions of fact and law in
3 compliance with Local Rule 16.1(f)(2) on or before July 13, 2009.
4 On or before this date, all parties or their counsel shall also
5 fully comply with the pretrial disclosure requirements of rule
6 26(a)(3) of the Federal Rules of Civil Procedure.

7 7. Counsel shall confer and take the action required by
8 Local Rule 16.1(f)(4) on or before July 20, 2009. The parties
9 shall meet and confer and prepare a proposed pretrial order. A
10 personal meeting between an incarcerated Plaintiff, acting in pro
11 per, and defense counsel is not required.

12 At this meeting, counsel shall discuss and attempt to enter
13 into stipulations and agreements resulting in simplification of the
14 triable issues. Counsel shall exchange copies and/or display all
15 exhibits other than those to be used for impeachment, lists of
16 witnesses and their addresses including experts who will be called
17 to testify and written contentions of applicable facts and law.
18 The exhibits shall be prepared in accordance with Local Rule
19 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the
20 proposed final pretrial conference order.

21 8. The proposed final pretrial conference order, including
22 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial
23 disclosures, shall be prepared, served and lodged with the Clerk of
24 the Court on or before July 22, 2009, and shall be in the form
25 prescribed in and in compliance with Local Rule 16.1(f)(6).
26 Counsel shall also bring a court copy of the pretrial order to the
27 pretrial conference.

28

1 9. The final pretrial conference shall be held before the
2 Honorable Irma E. Gonzalez, United States District Judge, on August
3 3, 2009, at 10:30 a.m.

4 10. The dates and times set forth herein will not be modified
5 except for good cause shown.

6 11. Plaintiff's(s') counsel shall serve a copy of this order
7 on all parties that enter this case hereafter.

8
9 Dated: August 22, 2008


RUBEN B. BROOKS
United States Magistrate Judge

10
11 cc: All Parties of Record
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CASE RESOLUTION GUIDELINES

Attendance

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

Case Resolution Conference Briefs

Written statements, when specifically requested, shall be lodged in the chambers of Judge Brooks no later than five court days before the scheduled conference. The statements will not become part of the court file. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail or in person.

Any statement submitted should avoid arguing the case. Instead the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.